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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,972	09/08/2003	John Neugent	03JN-01	8808
7590	01/11/2005		EXAMINER	
Edward E. Roberts P.O. Box 3206 Dana Point, CA 92629			FLANDRO, RYAN M	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/656,972	NEUGENT, JOHN
	Examiner Ryan M Flandro	Art Unit 3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 09 January 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-10 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-3,5-7 and 9 is/are rejected.
 7) Claim(s) 4,8 and 10 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 08 September 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

1. The Examiner initially notes that the listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Oath/Declaration

2. The oath/declaration/power of attorney was received on 01/09/04.

Status of Claims

3. Claims 1-10 are pending. Applicant submitted a preliminary amendment on 01/09/04 amending claims 1 and 2 and adding new claims 3-10.

Drawings

4. The drawings were received on 09/08/03. These drawings are acceptable.

Claim Objections

5. Claims 2, 3 and 5 are objected to because of the following informalities:
 - a. Claims 2 and 3. Recitation of "said axle means" in both claims is improper because no such "axle means" is previously recited. For purposes of examination, the

Examiner has assumed that “said axle means” is referring to the “cam axle” recited in claim 1.

- b. Claim 3, line 2. The first recitation of “said actuating means” in line 2 of claim 3 should be made without the term “said” since no such “actuating means” is previously recited.
- c. Claim 5, line 6. The word “means” should be recited following the term “axle” in line 6 for consistency.
- d. Claim 9, line 10. The term “of” should be inserted between “accessing” and “said” in line 10 of claim 9 for grammatical purposes.
- e. Appropriate correction is required.

Claim Rejections - 35 USC § 102

- 6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 7. Claims 1-3, 5-7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Cova et al (US 5,813,258) (hereinafter “Cova”).

- a. Claim 1. Cova shows and discloses a quick release fastener **10** for detachable mounting of a wheel hub **12** to the fork **14,16** of a bicycle, the fastener **10** comprising a cam lever head **42** having a long travel face **45**, a cam lever arm **50**, and a cam axle **28** for rotation thereabout by said cam lever arm **50** and said cam lever arm **50** and said cam

axle **28** having cooperative means **36,54,56,58,60,88** for providing multiple locking positions of rotation (i.e. locked and unlocked) of said cam lever arm **50** about said cam axle **28**, and a longitudinally extending skewer shaft **18** connected to and operated by said cam axle **28** for insertion through said wheel hub **12** (see figures 1-5 and written description in general).

Note that the Examiner has not read the “cooperative means” as a means-plus-function limitation under 35 U.S.C. 112, sixth paragraph due to the structural limitations additionally set forth in claims 2-4.

b. Claim 2. Cova further shows and discloses said cooperative means **36,54,56,58,60,88** includes multiple locking locations **36** in said [cam axle] **28** and access means **54** in said lever arm **50** for selectively engaging and disengaging said locking locations **36**: and wherein cooperative operation of said cam lever arm **50** and said [cam axle] **28** provides multiple locking positions of rotation (i.e. locked and unlocked) of said cam lever arm **50** about said cam axle **28** for detachable mounting of said wheel hub **12** to said fork **14,16** (see figures 1-5 and written description in general).

c. Claim 3. Cova further shows and discloses said locking locations **36** in said [cam axle] **28** include receptor means **36** responsive to [an] actuating means **56,58,60** for connecting said locking locations **36** to and disconnecting them from said actuating means **56,58,60** thereby allowing further rotation of said lever arm **50** about said cam axle **28** (see figures 1-5 and written description in general).

d. Claim 5. Cova shows and discloses a quick release assembly **10** for detachable mounting of a wheel hub **12** to the fork **14,16** of a bicycle, the assembly **10** comprising a

long travel cam lever arm **42,50**, axle means **28** for rotation of said cam lever arm **42,50** thereabout, and a skewer shaft **18** connected and responsive to rotation of said axle means **28**, said axle means **28** and said cam lever arm **42,50** having cooperative means **36,54,56,58,60,88** for providing multiple holding positions of rotation (i.e., locked and unlocked) of said lever arm **50** about said axle [means] **28**; and said skewer shaft **18** having a first end **20** attached to said axle means **28**, a longitudinal axis for insertion through said wheel hub **12**, and a second end **22** having means **110** for adjustable locking of said wheel hub **12** to said bicycle fork **14,16** (see figures 1-5 and written description in general).

Note that the Examiner has not read the “axle means,” “cooperative means,” or “means for adjusting...” as means-plus-function limitations under 35 U.S.C. 112, sixth paragraph due to the structural limitations additionally set forth in claims 6-8.

e. Claim 6. Cova further shows and discloses said axle means **28** includes multiple locking locations **36** and said lever arm **50** includes actuating means **56,58,60,88** for selectively engaging and disengaging said locking locations **36** (see figures 1-5 and written description in general).

Note again that the Examiner has not read the “actuating means” as a means-plus-function limitation under 35 U.S.C. 112, sixth paragraph due to the structural limitations additionally set forth in claims 7-8.

f. Claim 7. Cova further shows and discloses said locking locations **36** include receptor means **36** responsive to said actuating means **56,58,60,88**, and said actuating means **56,58,60,88** includes operating means **26,80** for selectively connecting and disconnecting

said actuating means **56,58,60,88** and said receptor means **36** thereby locking and unlocking said locking locations **36** allowing selective movement of said lever arm **50** (see figures 1-5 and written description in general).

g. Claim 9. Cova shows and discloses a quick release apparatus **10** for detachable mounting of a wheel hub **12** to the fork **14,16** of a bicycle, the apparatus **10** comprising a cam assembly **42,50** having a long travel face **45**, a cam lever arm **50** and a cam axle **28** for rotation thereabout by said cam lever arm **50**; skewer shaft means **18** connected and responsive to said cam axle **28** for insertion through said wheel hub **12**, said cam axle **28** and said cam lever arm **50** coacting to provide hold and release means **36,54,56,58,60,88** to effect multiple locking positions of rotation (i.e., locked and unlocked) of said cam lever arm **50** about said cam axle **28**; said hold and release means **36,54,56,58,60,88** including multiple cam axle locations **36** and cam lever arm actuating means **56,58,60,88** for sequential selective accessing [of?] said cam axle locations **36** by said actuating means **56,58,60,88** thereby to provide multiple rotational positions (i.e., locked and unlocked) of said lever arm **50** about said cam axle **28** whereby said skewer **18** is selectively inserted through said wheel hub **12** (see figures 1-5 and written description in general).

Note that the Examiner has not read the “shaft skewer means” or “hold and release means” as means-plus-function limitations under 35 U.S.C. 112, sixth paragraph due to sufficient structural limitations provided in claims 9 and 10.

Allowable Subject Matter

8. Claims 4, 8 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: the prior art, including Cova, either alone or in combination, fails to teach or disclose the recited structure especially a ball bearing which is engaged or released from a cavity or indentation by action of a spring biased pin as recited in claims 4, 8 and 10.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to quick release locking systems:

U.S. Patent 6,761,417 to Denby

U.S. Patent 6,758,380 to Kolda

U.S. Patent 6,742,849 to Denby

U.S. Patent 6,601,712 to Dean et al.

U.S. Patent 6,408,659 to Chang

U.S. Patent 6,260,931 to Stewart

U.S. Patent 5,556,222 to Chen

U.S. Patent 5,479,836 to Chang

U.S. Patent 4,400,038 to Hosokawa

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan M Flandro whose telephone number is (703) 305-6952. The examiner can normally be reached on 9:00am- 6:00pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


RMF
December 30, 2004



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